

Gender Checklist Resettlement

Asian Development Bank
February 2003

Contents

Purpose of the Checklist	
Why is Gender Important in Resettlement?	1
Gender Issues in Resettlement	3
Consultation and Participation	7
Resettlement Planning	9
Addressing Gender in Data Collection	9
Defining Entitlement and Eligibility	10
Establishing a Gender-sensitive Institutional Framework for Resettlement	12
Developing Resettlement and Compensation Options	13
Resettlement and Rehabilitation	15
Site Selection	16
Housing	16
Habitability and Safety	18
Civic Infrastructure	19
Transition Issues	24
Compensation	25
Security of Tenure	26
Income Restoration	27
Institutional Considerations	29
Institutional Capacity	29
Grievance Redress Mechanisms	31
Financing	32
Resettlement Budget	32
Monitoring and Evaluation	33
International Instruments	34
Selected References	37

Abbreviations

GAD	gender and development
GRC	grievance redress committee
M&E	monitoring and evaluation
NGO	nongovernment organization
PPTA	project preparatory technical assistance
R&R	resettlement and rehabilitation
WID	women in development

Purpose of the Checklist

This checklist is designed to assist staff and consultants in implementing the Asian Development Bank (ADB) Policy on Involuntary Resettlement (November 1995) and Policy on Gender and Development (June 1998). It will guide users in identifying and addressing gender issues in resettlement planning, implementation, and monitoring, and in designing gender-inclusive resettlement plans.

In 1998, ADB issued a *Handbook on Resettlement: A Guide to Good Practice*. The Handbook was prepared to guide ADB operational staff, consultants, and staff of executing agencies in developing member countries (DMCs) who play a role in resettlement planning and management of ADB-financed projects.

- ADB staff and consultants should use the Gender and Resettlement Checklist along with the Resettlement Handbook for identifying gender issues throughout the resettlement planning, implementation, monitoring and evaluation.
- It should be noted that all questions may not be relevant to all projects. The questions must be selected based on the nature of the project and the socio-cultural context.

This gender and resettlement checklist has been prepared as a companion to the Handbook. Gender issues need to be dealt with throughout the process of resettlement and rehabilitation. The checklist is structured to guide users through the various stages of the project cycle (as identified in the Handbook). It will help

identify key gender issues in each of the stages and assist in designing appropriate gender-inclusive strategies, components, and indicators to respond to these issues.

The checklist was prepared by Enakshi Ganguli, staff consultant; Ruwani Jayewardene; and Shireen Lateef. Ferdinand Reclamado provided production assistance.

Why is Gender Important in Resettlement?

Development projects that change patterns of use of land, water, and other natural resources cause a range of resettlement effects. Resettlement losses arise due to land acquisition, through expropriation, and use of “eminent domain” or other regulatory measures to obtain land and assets. This may result in loss of livelihoods and resources and breakdown of community networks and social services. Loss of resources for subsistence and income may lead to hardship, social tensions, and impoverishment. The affected persons have no option but to rebuild their lives, incomes, and asset base.

This process of economic and social dislocation could, and often does, exacerbate existing gender disparities and inequalities. In many societies, women do not enjoy land and property rights, have lower levels of education than do men, work in the informal sector, experience restricted mobility, and carry responsibilities for meeting basic needs such as water, fuel, and fodder. Hence, economic and social disruption may result in greater hardships for women than for men.

In all situations of change, affected persons—individually and as a community—are differentially impacted. Gender is an important factor in determining differential impact. Typically, the focus of resettlement planning is at the household level. Failure to understand intrahousehold dynamics is more likely to adversely affect women than men. At the policy and institutional level, inherent societal biases may preclude women from benefiting from opportunities provided through the project.

“The rights would include: right to property; right to use, plan, and manage local resources; right to decision-making process; right to participation; right to information; right to redress; right to development policy-making process; right to decisions over how local resources will be used; right to negotiate; right to fair and just compensation; right to common property resources; right to equal wages for equal work; and right to employment” (Sinivasan 2001).

Gender issues in resettlement cannot be adequately addressed unless rights and equity concerns are identified, confronted, and tackled.

Why is Gender Important in Resettlement?

- Gender disparities that already exist in society and the family tend to become aggravated at times of social and economic stress.
 - Women may not have landownership and property rights.
 - Women may have lower levels of education, skills, health, and nutrition than those of men.
 - Women work in the informal sector, such as agriculture and collection of forest produce. They are equally concerned with sources of livelihood.
 - Restricted mobility and lack of exposure to the outside world are two of the gender-specific factors resulting in lack of ability of women to adjust to new situations.
 - Women tend to have responsibilities for basic needs like fuel, fodder, nutrition, water, and sanitation. Loss of these has a far greater impact on women than on men.
 - Breakdown of community and social networks affects women more than men. Social networks are a source of help in times of crisis and provide security for the household.
 - Gender disparities embedded in social practices and traditions render women vulnerable to violence and stress. Any situation of economic and social distress creates more scope for violence against women, adding to their vulnerability.
 - The nutritional status of women is lower than that of men, while mortality and morbidity rates are higher. Economic and social distress can aggravate the situation and cause further deterioration of women's health.
 - Adverse effects on women have a bearing on the well-being of the family, particularly children and the elderly.
-

Gender Issues in Resettlement

Lack of landownership and property rights denies women equal access to compensation. In most projects, compensation, resettlement, and rehabilitation are based on legal ownership of land and property. In many societies, women may not have legal rights to land and property, even though they may have enjoyed usufructory rights or been dependent on them. Hence, they are not eligible for compensation and other benefits that may be available.

Traditionally, in any patriarchal and patrilineal society, land and property are passed from male head to male heir. In most parts of Asia and the Pacific, women may have use rights over the land and forest, but are rarely allowed to inherit the land they use. Payment of compensation to those with legal title is intrinsically gender biased. Because land and property are mainly registered in male names, women are usually excluded from receiving compensation.

Restoration of livelihood and income is equally important to women and men. Women are largely engaged in the informal sector—gathering forest produce, working in the fields, or selling produce. Women’s economic activities can be an important source of income for households. Dislocation can result in loss of livelihood, adding to women’s economic hardships. Therefore, it is important to enumerate women’s economic activities in planning and executing resettlement programs.

Low levels of training and education among women limit the choice of alternatives. Rehabilitation packages may include compensation opportunities for alternative occupations. Choices for exploring alternatives and livelihood options for women are limited because of their low levels of skills, education, and exposure. Planning for occupational and livelihood options for women is crucial.

Existing intrahousehold gender disparities may become aggravated. Gender disparities that already exist in society and within the family tend to become aggravated in situations of involuntary displacement, rendering women and children, especially female children, vulnerable. This may manifest itself in greater morbidity or violence or fall in nutritional status. Equity in intrahousehold distribution of resources should not be assumed.

Involuntary dislocation could increase the burden on women. Generally, women are responsible for food, fuel, and fodder in the family. Often, fuel and fodder can become scarce as a result of negative environmental effects on natural resources like forest, water, and land. This can have direct impact on women, because they are responsible for gathering fuel and fodder. Unless this impact is addressed in resettlement planning and execution, it could result in women spending more time and resources accessing these basic needs. Also, loss of grazing areas could result in sale of livestock.

Studies across the world have shown increase in morbidity and even mortality rates due to involuntary dislocation. Age-specific death rates show higher mortality and morbidity rates for female children and of women up to 35 years, the most productive years. Given this, there is likelihood that if there is increase in morbidity induced by displacement, the first to be hit will be the females. Similarly, the nutritional and health status of women is lower than men even under normal circumstances. Some studies have indicated an overall decrease in health status, often due to a significant drop in the per capita calorie intake. (Ganguly Thukral 1996)

Restricted mobility and limited exposure affect women's ability to adjust. Being less mobile than men, women's universe is more restricted. Hence, they have limited ability to cope with and adjust to new situations and environments.

Changing Land Rights in Viet Nam, Lao PDR, and PRC

The change from communal household farming in Viet Nam, Lao People's Democratic Republic (PDR), and the People's Republic of China (PRC) has seen women lose "right" and control over land and property. Land continues to be owned by the State in all three countries. Because laws designated the farm household as the unit for reallocation and registration of land, the laws have encouraged the creation of independent households.

Although men and women have equal rights to registering land in Viet Nam

and Lao PDR, customary attitudes prevail and land is registered in the name of men alone as heads of household.

Property rights in the PRC are not absolute. Instead, a combination of ownership and use rights subject to state policy, and current discriminatory practices regarding the ownership, acquisition, management, administration, enjoyment and disposition of property impede women's rights as human rights and have negative impact on social development.

CASE STUDY

(Tinker and Summerfield 1999, p.269)

Social impact of dislocation tends to affect women more than men.

Breakdown of community and other social networks as a direct result of dislocation can affect women more than men because women rely and depend on community and other social networks for emotional and practical support, such as taking care of children. Dislocation can be traumatic if these networks break down.

Increase of social evils and violence against women could increase because of displacement.

Alcoholism, prostitution, and gambling resulting from displacement affect the lives and status of women. Women are sometimes forced to face new forms of violence, such as sexual abuse and prostitution. Gender disparities embedded in social practice and tradition render women vulnerable to sexual and physical violence.

TIP

The impact of dislocation may be different for women than for men. The differences should be explored and mitigated.

Ensuring Participation of Women

- Ensure representation and presence of women from different socioeconomic groups in all meetings.
 - Ensure that meetings/consultations are organized at a time when women find it convenient to attend, so that maximum participation can be ensured.
 - Take care to ensure that the venue for meetings is based on discussions with the women so they can feel free and uninhibited in their discussions.
 - Consider female facilitators or work through women's groups or networks—formal or informal.
 - Involve women in the indemnification of affected persons.
 - Consider separate meetings for women.
 - Ensure women's involvement in preparation and review of resettlement plans.
 - It is important that women's associations are vested with authority, both within their communities and within wider regional and state processes. This will preempt situations where women are mere tokens in decision-making processes.
 - Ensure women's involvement and participation in implementation and monitoring.
 - Ensure documentation of the participatory exercise.
-

Consultation and Participation

The ADB Policy on Involuntary Resettlement and *Handbook on Resettlement* highlight the need for fully informing and consulting affected persons on resettlement planning and implementation. The consultation process should include women and ensure that their participation is actively sought in identifying impact, developing appropriate mitigation, and during implementation and monitoring.

Key Issues

- ➔ Social and cultural factors may exclude women from participating actively in planning, implementing, and executing resettlement activities. Special efforts need to be made to ensure their inclusion.
- ➔ Often, planners operate via male elite, who may not represent the community in its entirety and especially women.
- ➔ Unless women's participation is ensured, male biases in administration and legal systems might both undermine women's rights in customary institutions and disadvantage vulnerable women. Widows, the elderly, divorced women, and women-headed households may suffer as a result of this bias.
- ➔ The key to participation is full information. If the affected persons are to exercise their rights to rehabilitation, they must be fully informed.

Key Questions

- ➔ Have women representing all socioeconomic categories been consulted about the project?
 - ➔ Do women have any information about the proposed project?
 - ➔ Have women been consulted on the resettlement plan?
 - ➔ Were women involved in developing the resettlement plan and were their inputs solicited?
-

- Have women been consulted in identifying affected persons?
- How will the plan be shared with affected women?
- Is there a mechanism for ensuring women's participation at each stage of the project?
- Should there be separate meetings for women?

Key Strategies

- Ensure adequate representation and presence of women from different socioeconomic groups.
- Ensure proportionate or 50% representation of women during planning and disclosure of the resettlement plan and seek women's opinion on it.
- Consider separate meetings with women, using female facilitators to solicit women's views, especially on such sensitive issues as toilets, sanitation, water, and house plan.

Viet Nam Third Road Rehabilitation Project

CASE STUDY

In the Viet Nam Third Road Rehabilitation Project, the Centre for Gender and Environment in Development was appointed as an external monitoring agency. It was recommended that a representative from the Viet Nam Women's Union be included in provincial, district, and commune resettlement committees. The external monitoring agency has used women representatives as field teams because they are best equipped to liaise with affected people.

Resettlement Planning

An essential aspect of resettlement planning is the collection of socioeconomic data about affected persons. This information is crucial for identifying them; establishing the nature and extent of impact, vulnerability, and risk; and ensuring that the needs and concerns of women are addressed in resettlement and rehabilitation.

Addressing Gender in Data Collection

Key Issue

- The collection of gender-disaggregated data is the first step in developing a gender-inclusive resettlement plan.

Key Questions

- Have women been included in the socioeconomic survey?
- Has information been collected on women's land and property status?
- Does the survey include questions on household division of labor, women's livelihood sources, and women's contribution to family income?

Key Strategies

Collect gender-disaggregated data for each household regarding

- ownership and use of resources;
 - decision making regarding finance and resource use;
 - women's formal and informal income-earning activities;
 - extent of women's dependence on livestock, home garden, and forest use; and
 - women's skills.
-

It is important to collect data on female-headed households, and on elderly and single women. Consideration should be given to using female investigators. If not possible, then investigators should be gender sensitive and trained to collect data from women.

Defining Entitlement and Eligibility

Land and property rights can be both formal and governed by customary law. Formal rights to land and property are marked by sharp gender asymmetries in most parts of the world. Similarly, customary law and informal institutions can and have been known to be discriminatory.

At the same time, women may have rights to property, water, and land through informal institutional arrangements. Property rights are often conceived to be immovable and formal. Rights can also be informal, mobile, and transitory, particularly with respect to water, for which supplies often vary across time and space.

Hence, eligibility criteria cannot be restricted to ownership of legal titles over land and property, because women are likely to be excluded; they may not have ownership of property and land even though they may be principal users of the resources.

TIP

Collection of gender-disaggregated data is the first and most crucial step in ensuring a gender-inclusive resettlement plan.

Key Issues

- ➔ Provision must be made to ensure that women get legal rights to land and property allocated as part of the resettlement package.
 - ➔ Women may have informal rights to property, water, and land through informal institutional arrangements. Creation of new formal institutions may undermine rights that are enshrined in customary arrangements.
 - ➔ Customary law and informal institutions can and have been known to be discriminatory to women.
-

Key Questions

- ➔ What is the status of women in the society?
- ➔ Do women have legal title to land and property?
- ➔ What ownership, access, and control do women have over resources and property?
- ➔ Will women's sources of livelihood be affected?
- ➔ What are the legal instruments that apply?
- ➔ Do women have customary or informal rights to land, property, and other resources?

The policy principles state "Gender equality and equity should be ensured and adhered to throughout the Policy." The policy further states that vulnerable groups should be given appropriate assistance to substantially improve their living standards. This objective, coupled with the principle of gender equity, guarantees safeguards for vulnerable women affected by resettlement. *Sri Lanka: Involuntary Resettlement Policy.*

Key Strategies

- ➔ Examine existing land and property laws to identify any provisions or entitlements for women.
- ➔ Review laws that apply to natural resources, such as
 - use laws—related to water, mining, and other uses;
 - conservation law—for protection of forests, wildlife, biodiversity, etc.;
 - acquisition laws—dealing with land both for rural and urban areas; and
 - regeneration laws—relating to environment protection, pollution, and regeneration of lands and forests.
- ➔ Examine laws and policies that deal with
 - housing and construction;
 - ownership, transfer, and inheritance of property; and
 - resettlement and rehabilitation.

Ensure that women are considered for

- compensation for lost assets, incomes, and livelihoods;
- assistance for relocation; and
- assistance for rehabilitation.

International Instruments

When dealing with forced evictions/involuntary dislocation, development-related displacement, and rights to land and housing, it is important to check whether the concerned government is signatory to any relevant international instruments, because they can be used to influence the resettlement policy and plan.

Establishing a Gender-Sensitive Institutional Framework for Resettlement

The ways that institutions, both formal and informal, operate in a society reflect prevailing gender relations. The creation and imposition of new formal institutions can undermine and corrode rights that are often enshrined in customary arrangements.

Key Issues

- ➔ Newly created formal institutions could potentially erode the minimal rights that women enjoy within existing informal institutions.
- ➔ Institutional arrangements should (a) not aggravate existing gender disparities, (b) create flexible alternatives to deal with gender inequality, and (c) initiate processes that work toward enhancing women's choices.

Key Strategy

- ➔ Assess formal and informal institutional arrangements. Invoke and reinforce those based on gender equity and change or modify those that aggravate gender disparities.
-

Developing Resettlement and Compensation Options

It is important that affected persons be offered multiple options for compensation and livelihood restoration. Replacement land, “topping up” or additional cash grants to purchase land, employment creation, and often a mix of options have been used in many projects.

Key Issues

- Compensation payments are generally part of legal domain and women may not be formally eligible to receive them. Compensation payments to household heads are not always equitably distributed within households. Intrahousehold inequalities need to be noted.
- Experience has shown that men and women use compensation money differently and that compensation paid to male household heads is not necessarily solely used for rehabilitation and restoration of livelihoods. Instances of injudicious use of compensation payments by males, such as for personal consumption or to gain prestige and status within the community, are not unknown. Options for direct payment of compensation to women should be seriously explored.

Key questions

- What is the relevant law for compensation?
- How does it define “persons eligible for compensation”?
- Does the law entitle women to compensation assistance?
- What are the compensation and resettlement options selected by women?

TIP

Develop other types of compensation, settlement, and rehabilitation assistance that could be paid directly to women, or for which women may be eligible.

Key Strategies

- If the law explicitly leaves out women in its “eligibility criteria,” develop assistance packages for women outside legal entitlements as part of the resettlement and compensation package.
- Include women in consultations on compensation options.
- Explore the option of making payments or giving land titles in the name of both spouses.
- Consider providing separate compensation to women for loss of income, even from informal sector activities and loss of assets like ponds, forests, rivers, etc.
- Develop separate options for livelihood restoration programs for women.

Safeguarding Women’s Interest in Resettlement

- Separately identify the socioeconomic conditions, needs, and priorities of women; surveys and entitlements criteria should recognize female-headed households. Impact on women should be monitored and evaluated separately.
- Ensure that the process of land acquisition and resettlement does not disadvantage women.
- Land/house titles and grants should be in the name of both spouses.
- Female staff should be hired by the resettlement agency to work with and assist women in all aspects of resettlement activities, including planning and implementation of income restoration programs. Involve women’s groups in resettlement planning, management and operations, job creation, and income generation.

Resettlement and Rehabilitation

Consideration of gender issues is crucial in the implementation of resettlement and rehabilitation programs. Special needs and requirements of women must be considered and addressed in all program aspects—site selection, site and housing design, provision of civic infrastructure, access to service, provision of land and housing title, payment of compensation, and income restoration.

Women's selection criteria played a key role in relocation site selection in the Calcutta Environment Improvement Project. For women, the key considerations were safety of the sites and proximity to present location. The latter was important for several reasons: (i) continuity in employment, (ii) ability to walk to work, (iii) ability to return home quickly in case of an emergency related to the children, and (iv) access to basic social services.

Income restoration programs are an integral part of sustainable resettlement and rehabilitation efforts. They should include both land-based and nonland-based options depending on the pre-project income-generating activities of the affected persons. Separate provision should be made to ensure income restoration for women.

Site selection, location, design, and suitability of the physical area are of key concern to women. This is due to familial responsibilities that entail care of children and the elderly. Women also engage in considerable home-based activities that contribute to household income. Design must be sensitive to functional requirements of the home and domestic needs.

Site Selection

TIP

Selection of site

location of water

tanks, stand pipes,

toilets, or other

facilities should be

negotiated with

women because

issues of safety,

privacy, and cultural

norms tend to be of

greater concern to

women.

Key Issue

- Reasons for selecting or rejecting a site can differ widely between women and men. For women, distance from the workplace, physical safety, availability of facilities, especially for children, and proximity of kin and other social networks are some of the key considerations.

Key questions

- Have affected women representing all socioeconomic groups been shown the alternative sites?
- How many alternatives were the women shown?
- How far is the site from their existing homes?
- Have women approved the site?
- Are schools and health centers easily accessible?
- Is the site close to the women's current places of employment or income generation?

Key Strategies

- Ensure that at least 50% of the representatives taken for site selection and viewing are women.
- List women's concerns regarding site options.
- Take women's concerns into account before the site is approved and finalized.
- Address the need for civic amenities like health care centers.
- Ensure that details about the sites—location, issues of safety, adequacy, and appropriateness—are shared with all affected women.

TIP

Safety and distance from income sources,

schools, and health care centers are key

concerns for women in site selection.

Housing

TIP

Encourage women's participation in the design and layout of housing.

Key Issue

- Women's requirements should be integrated into housing design and the provision of other facilities.

Key Questions

- Were women consulted on the structure and design of the housing? What are the specific needs?
- What kind of assistance is required by women?
- Do women prefer to undertake the construction on their own with money or materials from government or do they want the government to provide the housing?
- Are women willing to contribute toward housing finance?
- What measures are being taken to address women's concerns regarding housing?
- What are the women's suggestions regarding settlement design?
- Do women prefer cluster housing, e.g., people of one community housed together?

"Women could participate in the design and layout of housing. Infrastructure development within the site should ensure that women have easy access to basic social amenities like water and household energy sources. Women in subsistence communities often depend on forest for basic needs such as food, fuel or animal forage. These would need replacement." (ADB 1998, p.29)

Key Strategies

- Ensure provision of assistance to women for construction of houses in the new site.
- Ask for and encourage women's input in settlement planning and design, housing structure and plans, and location of amenities and facilities.

Habitability and Safety

Key Issue

- Habitability and safety of the site are important concerns for women; they spend much of their time in the home and are responsible for the care and safety of children.

In a recent project for urban environmental improvement in Calcutta, West Bengal, women pointed out that the selected resettlement site, while adequate in all other respects, was completely unsuitable because of the very high incidence of crime in the area, making it unsafe for them to live there.

Key Questions

- Have issues of habitability and safety been addressed?
- Are women more vulnerable to violence from outside forces in the new settlement?
- Are women concerned about safety?
- Does the new settlement restrict women's mobility?

Key Strategies

- The site should not be in ecologically fragile areas, polluted areas, or very far from the natural resource base, if the relocation is in the rural area.
- Seek women's opinion on safety and habitability.

India: Society for Promotion of Area Resource Centres

CASE STUDY

Given an opportunity, women can design and build their own houses. SPARC (Society for Promotion of Area Resource Centres) has organized the women informal dwellers in Mumbai to resist demolition. The women's own organization, *Mahila Milan*, has after a decade begun construction for 500 families on municipal land near a pavement site. To keep costs

Civic Infrastructure

Key Issues

- Women's needs in civic infrastructure are governed by cultural and safety considerations or what they see as important for their children, especially girls. They are also governed by the need to provide water, fuel, and fodder.
- Maintenance of civic infrastructure often goes unattended, adding to the problems.

In the Pasig River Environmental and Rehabilitation Management Sector Development Project (Philippines) savings in loan funds were used by the Government to construct social infrastructure at the resettlement sites, including schools, day care centers, health centers, multipurpose halls, and recreation facilities.

Key Questions

- What infrastructure needs have women identified?
- What services might be required by women and children in relation to civic infrastructure?
- How will the site and services be maintained?

down, the women are manufacturing their own blocks and precast beams, and are providing all unskilled labor for 50, six-unit, two-storey buildings. A similar group was recently allocated land where women helped build two-storey apartments with the help of the Mumbai group.

ACHR 1998, Bapat 1999, Tinker and Summerfield 1999.

Key Strategies

- Ensure the establishment of community systems for maintenance of sites and services, especially all garbage disposal systems; and maintenance of sanitation facilities, especially common toilets, bathing or washing areas, and drinking-water facilities.
- Explore the need for a children's playground, community center, place for waste disposal, electricity, and health center.

The following sections deal with some of the basic needs.

Sanitation***Key Issue***

- Lack of appropriate and adequate toilet and sanitation facilities affect women the most. Their inputs on such facilities must be obtained and incorporated in the resettlement plan.

Key Questions

- Is there a requirement for separate bathing places/toilet facilities/washing slabs for women?
 - What is the best design and location for these facilities?
 - Where are the community toilets located? How many families are there per toilet?
 - It is important that the community takes responsibility for maintaining its toilets. What will be the role of the women?
 - Should lighting of public spaces and areas around toilet facilities be included to ensure safety of women?
 - What are the mechanisms for waste disposal and sewage disposal and what is the role of the community?
 - Will there be bathing areas within the houses or common bathing spaces? How many families will use each common facility? What are the mechanisms for maintaining these?
-

Key Strategies

- Plan and design toilet and bathing facilities in consultation with women.
- Ensure women's views are obtained on location of facilities.
- Obtain men's and women's commitment on maintenance of all facilities beyond the project period and establish mechanisms for it.
- Ensure that responsibility for garbage and sewerage management and disposal is shared between the community and government, and between men and women.
- Training or orientation in garbage management and disposal should include women.

Education

TIP

Check the physical and social accessibility of schools.

Key Issue

- In situations of involuntary dislocation, provision of free and compulsory education should be one of the first amenities to be developed, along with housing and sanitation.

Key Questions

- How many school children are there?
- How far do children currently travel to attend school?
- Are there existing facilities in the relocation site, such as elementary or a high school?
- Is it physically accessible to the new settlers?
- Can existing facilities accommodate the children of the new settlers?
- If not, what are the requirements to meet their schooling needs?

Key Strategies

- Assess the schooling needs and level of education required.
 - Ensure that educational infrastructure is provided. Note: the cost of construction should be borne by the project proponents while regular running of the schools should be the responsibility of the government.
-

Health

Key Issues

- Involuntary dislocation and displacement can increase morbidity. It can affect people both physically and psychologically. Loss of land or livelihood can result in loss of self-esteem in men, which in turn sometimes leads to violence against women and children.
- Environmental impact of projects can also affect the displaced persons if it is not managed from the outset. Dam projects are known to generate fluorosis and schistosomiasis while thermal power plants may increase the incidence of tuberculosis or bronchial tract infections.
- Medical facilities, both preventive and curative, need to be carefully planned.
- Decrease or loss of food resources may result in severe nutritional impact on women and children.

Key Questions

- What are the common diseases of women in the area?
- Are they related to existing living conditions?
- What is the current state of medical facilities?
- Do they need upgrading for persons who do not need relocation?
- What facilities are available at the new site?
- Will they be sufficient for new settlers?
- Is there any potential for introduction of new diseases in the relocation site?
- Are health facilities accessible to women and children?

Key Strategies

- Assess current health problems and interventions needed to address them.
 - Link up with the government health system.
 - Plan for reproductive health needs of women.
 - Build monitoring mechanisms to track introduction of new diseases.
-

- ➔ Ensure proximity and availability of health care centers.
- ➔ Ensure adequate budget and resource allocation to maintain new health infrastructure.

“Internally displaced women are particularly vulnerable to gender-specific violence as the protection afforded to them by their homes and communities disappears and the stress of displacement becomes manifest in the family unit. Such abuses include physical and sexual attacks, rape, domestic violence and sexual harassment, increased spousal battering and marital rape...Displaced persons, in particular women, are frequently coerced into providing sexual favours in return for essential food, shelter, security, documentation, or other forms of assistance.” (*Francis Deng, United Nations Special Representative on Internally Displaced Persons*)

Day Care Centers

Key Issue

- ➔ Often, girls are unable to go to school because they have to look after younger siblings. Hence, the need to explore establishing child care centers that would have the added benefit of enabling women to take up paid employment. Setting up crèches could also provide a source of livelihood for some women.

Key Questions

- ➔ How many children are there in the 0–6 age group?
- ➔ What are the current child care arrangements?
- ➔ Will they be affected by displacement? How?
- ➔ What are the current cultural child rearing and caring methods?
- ➔ Are people willing to look for alternatives?
- ➔ Are women willing to place their children in day care?
- ➔ Are women in the community willing to establish or manage day care centers?
- ➔ Are women willing to pay for day care?

TIP

Providing day care facilities serves multiple purposes:

- Cares for the crucial 0–6 age group.
- Allows mothers to go out to work.
- Provides potential self-employment to women in the community.

Key Strategies

- Assess the need for day care centers.
- Assess women's willingness to contribute and take responsibility for day care centers.
- Look into existing government programs and schemes.

Transition Issues**Key Issues**

- Some women may need special assistance for transportation and transit.
- For relocation to the new site, the transition period between dismantling of one home and resettling in the new is crucial.
- Temporary arrangements often do not provide for basic needs of women and children, such as sanitation, drinking-water facilities, and schools.

Key Questions

- Have women been consulted on transportation and transit issues?
- Is transportation provided? Are women aware of the transportation arrangements?
- Have women and other vulnerable groups, who may need special assistance with transportation, been identified?
- Is ample time provided for dismantling and resettlement, especially for female-headed households and the elderly?
- What arrangements have been made for ensuring access to basic facilities and access to schools for children in the transit phase?

Key Strategy

- Adequate provision should be made for transportation assistance for women, especially single, pregnant, and elderly women, and female-headed households.
 - To facilitate smooth and painless transition, ensure that shelters and temporary housing are easily accessible to basic amenities.
 - Ensure that families move out together.
-

Compensation

TIP

Ensure transparent public distribution of compensation in the name of both spouses.

Key Issues

- Experience indicates that some affected persons spend cash compensation quickly and become impoverished.
- Often the needs of women and children are not met if cash compensation is paid to the male head of the household.
- Some affected persons may need compensation to be paid into a bank account.

Key Questions

- What is the opinion of women with regard to the payment of compensation—cash, bank account, or check?
- Has the payment of compensation in joint names been considered?
- Do the women have bank or postal accounts in their name to receive compensation?
- Are there provisions to ensure that women have an account?
- Have men been consulted on payment of compensation in joint names?
- Is there any possibility of separate cash compensation payment for women?
- What is the likely risk to women of paying compensation and other cash assistance in joint names or wholly to women? Can the risks be minimized?

TIP

Compensation should not be in cash, if possible.

Key Strategies

- Ensure that the process of compensation disbursement is transparent and that compensation is in the name of both spouses.
- Project authorities must ensure that the affected persons have bank accounts. If not, assist them to open bank accounts.

Security of Tenure

TIP

Include the name of both spouses in any grants or land titles at the resettlement site.

Key Issue

- Security of tenure is an important issue. It can even be more important for displaced women because they could become disenfranchised. Single women, widows, and women-headed households could potentially be divested of land and property by family members.

Key Questions

- Is the resettlement land allocated as ownership title or lease?
- Have women been informed about the nature of title to the new land and housing?
- What provisions are made for women who do not have ownership rights over land/property taken over by the project?

In the urban context, vulnerability of informal dwellers is tied to lack of tenurial status. Men and women are equally vulnerable. Efforts should be made to ensure formal tenurial rights upon relocation.

Key Strategies

- Joint ownership or lease of land and housing by both spouses is crucial.
 - Ensure that for women-headed households and for widows with adult sons who live with them (in case they are not treated as separate family), the ownership or lease should be in the name of the woman.
 - Ensure that the transfer of rights is gender sensitive.
-

Income Restoration

Key Issues

- The needs and problems of women are likely to be different from those of men, particularly in terms of social support, services, employment, and means of subsistence for survival. For example, relocated women might face greater difficulty than relocated men in reestablishing markets for home industry produce or small trade items if they are constrained by lack of mobility or by illiteracy.
- Income-restoration programs should address gender issues adequately.

"The complex role a woman performs as a food collector, collector of fuel and water, as a mother of children and partner in agricultural activities gets a more than proportionate blow (vis-à-vis) men in the process of displacement. She has to be placed back in her original place, if not at a position of advantage – after relocation....I am convinced that women played a much larger role in re-establishing families and picking up economic links while men passively adjusted to changes and shocks." (*Anita Agnihotri, former Director, Resettlement and Rehabilitation Directorate, Government of Orissa*)

Key Questions

- Do women contribute to household income?
- What are women's income levels prior to displacement?
- What are the activities from which women earn incomes?
- Will these income sources be affected?
- How many women will lose their livelihood sources?
- Are the women being thrust into a cash economy from a rural subsistence economy?
- Does it mean loss of subsistence?
- What are the ways in which livelihood will be affected? Will there be total loss of livelihood source or a decrease in income only?
- Does the new site provide the same or alternative opportunities for earning incomes?
- What are the existing levels of women's skills/training?
- Is there a need to upgrade women's skills and are the facilities available?

Key Strategies

TIP

Recognition of women's contribution to household income is the first step to designing income-restoration programs for them.

- Efforts must be made to protect women's existing livelihood sources and opportunities for income generation. Ideally, opportunities for augmenting existing income should be explored.
- Loss of livelihood sources and income opportunities will need restorative action.
- Assess women's requirements for skills training to facilitate income restoration.
- Consider including women among the group to receive any employment opportunities generated through the project.
- Include women in any retraining schemes included in the resettlement plan.
- Explore opportunities to link women to self-help groups and microfinance programs.
- Make provision for linking women to any other existing employment-generation schemes of the government.

Sri Lanka Mahaweli Irrigation Scheme

CASE STUDY

In Sri Lanka, the lands allocated to Sinhalese couples in the Mahaweli irrigation scheme were registered in the names of the husbands, who were assumed to be the household heads. The new arrangement also allowed the household to nominate one heir, who was invariably a son, if the family had one. This undermined the bilateral rules of inheritance prevalent in the area, which allowed women the independent right to own and control land. In the Mahaweli scheme, on divorce women were deprived of any means of subsistence from land, underlining their dependent and subordinate positions. About 86% of the land allocations in the irrigation scheme were made to men. Of the 16 women who were granted land, only two (a widow and a separated woman) lived in the project area and managed their own farms. (*Schrijvers, in Agarwal 1994, p.290*).

Institutional Considerations

Institutional considerations are important to ensure that appropriate agencies are mandated to plan and implement compensation, income-restoration, and rehabilitation programs and are identified as early as possible in the project preparation.

Cultural restrictions and lack of exposure to bureaucracy preclude women's active participation in the formal institutional structure. It is essential to ensure that appropriate mechanisms are established to enable women's participation. Political will is a vital ingredient for sustaining involvement in the decision-making process.

Institutional Capacity

Three levels should be considered

- Project authorities
- Local government
- The community

Key Issues

- ➔ The executing agency responsible for planning and implementing resettlement and rehabilitation programs may not have sufficient gender-and-development (GAD) capacity.
 - ➔ Local government should be involved in project implementation to ensure sustainability and should have the appropriate institutional capacity to implement the gender aspects of the resettlement plan.
 - ➔ It is important to establish structures and mechanisms to ensure the involvement and participation of affected persons in resettlement planning, implementation, and monitoring. An elected committee or representative group could be considered.
-

Key Questions

- Are existing institutional policies gender sensitive?
- What is the commitment and experience of the executing agency, local government, or the agency personnel in addressing gender issues?
- Do these institutions have the capacity to monitor progress?
- What is the local government's commitment to implementing the gender aspects of resettlement planning?
- Is there any existing GAD expertise?
- Is training or capacity building required?
- What is the gender distribution of staff?
- Have the gender initiatives been budgeted?

Key Strategies

- Ensure that the implementing agency has the necessary GAD and poverty capacity.
- If it does not, plan for GAD capacity building.
- Promote equal sex distribution of staff.
- Ensure proportionate representation of women in all committees.
- A gender specialist should be included on the team.
- Ensure that any NGOs recruited to assist with resettlement implementation have the necessary gender perspective and experience to deal with vulnerable groups.
- The NGO team should include female staff.

Ensure that institutional arrangements

- do not aggravate existing gender disparities or discrimination;
 - create flexible alternatives to deal with disparities;
 - initiate processes that work toward enhancing women's choices, even if it means being partisan toward empowerment of women; and
 - include representation of women at all levels.
-

Grievance Redress Mechanisms

Grievance redress mechanisms are generally of two types: formal courts of appeal concerning land acquisition and compensation practices, or locally constituted grievance redress committees (GRCs) for dispute resolution involving resettlement benefits. Operational procedures for GRCs should be formalized and established clearly in the resettlement plan.

Key Issues

- Complicated mechanisms that utilize formal legal structures are likely to work against women, because women are generally unfamiliar with formal institutions.
- The GRC must be adequately constituted to deal with gender issues that may arise and include mechanisms to provide specific services for women.

Key Questions

- Is the grievance redress mechanism structured to address gender issues?
- Is the GRC gender sensitive?
- Does it take into account special problems faced by women?
- Are there any women members on the GRC or related group that has been or will be constituted?

Key Strategies

- Discuss the proposed grievance redress mechanism structure with women.
 - Can women easily access and use this mechanism?
 - Ensure the presence of women on any GRC or related group at the formal or informal level.
 - Training GRC personnel in the handling of gender-sensitive issues should be included.
 - As far as possible, mechanisms should be established that do not require women to go to court, because women generally find it difficult to access legal machinery.
-

Financing

Identify areas where community financing will be required in order to ensure success of the resettlement and rehabilitation programs. For example, community maintenance of communal facilities could be explored. Identify community willingness to contribute financially to improved facilities. Joint contributions may be relevant to operations and maintenance of community or group social infrastructure, such as water and sanitation facilities, solid waste disposal, and multipurpose community halls.

Resettlement Budget

Unless the resettlement budget earmarks funds for specific entitlements and programs for women and children, such funds may not be available.

Key Questions

- ➔ Does the resettlement plan identify the financial resources required for gender-targeted activities?
- ➔ Are specific provisions to address gender issues included in the budget line items?

Key Strategies

- ➔ Ensure that the resettlement budget has allocated adequate funds for gender-related activities.
 - ➔ If possible, include a separate budget to address gender concerns specifically.
 - ➔ Try to provide a separate budget for dealing with the concerns and needs of women.
 - ➔ Ensure that women are aware of the budgetary allocation to address their concerns.
 - ➔ Trace expenditures and ensure that funds are used appropriately.
-

Monitoring and Evaluation

Resettlement plans should be monitored at two levels: (i) by project authorities (internally and externally) and (ii) by the community through the participation of affected persons and NGOs.

Key Issue

- Indicators for monitoring and evaluation (M&E) should include gender-specific questions and indicators. M&E should be done jointly by project authorities, external monitors, and the community.

Key Questions

- Do the M&E indicators include issues of women's livelihood restoration, safety, habitability, and other issues addressed in this checklist?
- Are the appointed agencies gender sensitive?
- Is the budget sufficient to address gender issues?
- Is the M&E baseline gender inclusive?
- Have appropriate mechanisms been developed for participatory monitoring and are women included?
- Are gender issues included in the terms of reference of supervisory consultants?

TIP

Monitor and evaluate impact on women separately.

Key Strategies

- Promote participation of women in planning, design, and implementation of M&E.
- Ensure that the institutional mechanisms set up at both the level of the project authorities and the community include women in the team.
- Ensure that M&E include specific inputs from women.
- Ensure that community-based mechanisms have proportionate representation of women.
- Include gender in the terms of reference of consultants.
- Ensure that implementation of gender aspects is reviewed and reported by staff undertaking review missions.

International Instruments

**Platform of Action and Beijing Declaration.
Fourth World Conference on Women, Beijing,
People's Republic of China
4-15 September 1995.**

"Take gender impact into consideration in the work of the Commission on Sustainable Development and other appropriate United Nations bodies and in the activities of international financial institutions." (para. 254 [a])

"Family disintegration, population movements between urban and rural areas within countries, international migrations, wars and internal displacements are factors contributing to female headed households." (para. 21)

"Revise laws and administrative practices to ensure women's equal rights and access to economic resources" (item A2)

"Generate and disseminate gender-disaggregated data and information for planning and evaluation." (item H3)

"Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas."

Convention on the Elimination of All forms of Discrimination against Women, 1979

The Committee on the Elimination of Discrimination against Women states that "States/Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

The Committee has focused its attention on the equal right of women to access, own, and inherit land, because this is a major factor affecting the situation of rural women. Concerns have been expressed on the negative impact of globalization and macroeconomic policies on the rural economy and on land distribution through market mechanisms in particular. Even in countries where the law provides equality between men and women with regard to land, the Committee cautions that prejudices and customary rights often hinder the implementation of the law.

The Committee has also been concerned about the need for equal treatment of women in various government schemes for housing allowances, state loans for housing, and access to credit, as well as equal provision of workers housing. The Committee encourages the States/Parties to give full attention to the needs of rural women and to ensure their active and participatory role in the design, implementation, and monitoring of all policies and programs that are intended to benefit them, particularly women who are heads of households and their families, in areas such as access to health and social services, income-generation projects, and housing.

The Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights devoted a day of general discussion to the issue on the right to adequate housing at its fourth session in 1990, and in December 1991 the Committee at its sixth session adopted the General Comment No. 4 on the right to adequate housing.¹ The General Comment reflects both the holistic conception of the right and the value it gains from the aspect of adequacy. The Committee guides States/Parties not to interpret the right to housing narrowly or restrictively as “merely having a roof over one’s head or...as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.” (para. 7)

Based on this broad interpretation, the General Comment identified seven aspects of the right to housing that determine “adequacy”: (a) legal security of tenure including legal protection against forced evictions; (b) availability of services, materials, facilities, and infrastructure; (c) affordability; (d) habitability; (e) accessibility for disadvantaged groups; (f) location; and (g) cultural adequacy. (para. 8)

In its sixteenth session in 1997, the Committee adopted General Comment No. 7 on forced eviction,² which defined the term as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” (para. 3) General Comment No. 7 clarified the obligations of States/Parties to use “all appropriate means” in accordance with the Article 2.1 of the Covenant, and stated that “legislation against forced evictions is an essential basis upon which to build a system of effective protection.” (para. 9)

General Comment No. 6 (thirteenth session, 1995) on the economic, social, and cultural rights of the elderly emphasizes, inter alia, “...that housing for the elderly must be viewed as more than mere shelter and that, in addition to the physical, it has psychological and social significance which should be taken into account.” (para. 32)

¹ Contained in document E/1992/23. Also available on the Office of the High Commissioner for Human Rights (OHCHR) website.

² Contained in document E/1998/22, annex IV. Also available on the OHCHR website.

Selected References

- Agarwal, B. 1994. *A Field of One's Own. Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Agnihotri, Anita. 1998. The Orissa Resettlement and Rehabilitation of Projects Affected Persons's Policy. In A.B. Ota and R.N. Mohanty (eds). *Development Induced Displacement and Rehabilitation*. Bhubaneswar, India: Prachi Prakashan.
- Asian Centre for Housing Reform (ACHR). 1998. E-News No.13, Monday 19 January. Available: to her Maurice@ksc9.th.com.
- Asian Development Bank (ADB). 1998. *Handbook on Resettlement: Guide to Good Practice*. Manila: ADB
- Bapat, Meera.1999. Women and Housing: A Training Manual. In Irene Tinker and Gale Summerfield (eds). *Women's Rights To House and Land: China, Laos, Vietnam*. London: Lynne Rienner Publishers.
- Ganguly Thukral, E. 1992. *Big Dams, Displaced Peoples: Rivers of Sorrow, Rivers of Joy*. Delhi: Sage Publications.
- . 1996. "Development, Displacement and Rehabilitation: Locating Gender." *Economic and Political Weekly*. 31(24): 1500–1503.
- . 2000. *Mainstreaming Gender Concerns in Resettlement Planning*. Calcutta Environmental Improvement Project (CEIP). Document prepared for the Asian Development Bank, Manila.
- Mehta, Lyla, and Bina Srinivasan. 2000. *ANNEX B: Balancing Pains and Gains. A Perspective Paper on Gender and Large Dams*. Final Paper. World Commission on Dams.
-

- Operations Evaluation Department. 1998. Recent Experiences with involuntary resettlement: China-Shuikou (and Yantan). No. 17539. Washington D.C.: World Bank.
- Srinivasan, Bina. 2001. "Social Impacts of Large Dams. Gender, Equity and Distribution Issues." *Economic and Political Weekly* 36 (43).
- Tinker, Irene, and Gale Summerfield, editors. 1999. *Women's Rights to House and Land: China, Laos, Vietnam*. London: Lynne Rienner Publishers.
- United Nations Center for Human Settlements (UNCHS). 1999. *Women's Right to Land, Housing and Property in Post-Conflict Situations and During Reconstruction: A Global Overview*. Nairobi: UNCHS.
-